

1501 Everett Ave.
Oakland, CA 94602
July 20, 2011

Cliff Congo
Petitions Attorney
Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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Dear Mr. Congo:

This is in response to the letter to me of Mr. Anthony Knight who directed me to you.

Before commencing, I need to say "thank you" for your time over the telephone. Despite repeated attempt, we did finally make phone contact, but that was while I was in NYC attending to a relative recovering from surgery. The Roosevelt environment proved to be a busy and nosy space, so it was hard to hear on both ends. I am sorry if the conversation was difficult for you, and it is too bad that the phone system failed as I was unable to retrieve the phone message you left for me. Regardless, I attempt to answer the two questions stated on page 2 of Mr. Knight's letter.

1) The first question asks the name of the contact party responsible. The answer is simple; it was Pillsbury Winthrop Shaw Pittman, LLP. As I understood it, responsibility for informing me of the status of USP 5,420,107 was with Pillsbury et al. You have the records at hand and you can see that patent was originally handled by Mr. Patrick Bengtsson of Limbach & Limbach. As I understand it, that firm merged with, or was subsumed by Pillsbury Winthrop, that was again merged with, subsumed by, or restructured as Pillsbury Winthrop Shaw, and then as Pillsbury Winthrop Shaw Pittman LLP. Because I had been in contact with Pillsbury et al in the past, I assumed that I would be contacted by them again in the future concerning USP 5,420,107. Mr. Congo, you have access to the record and you should be able to see and verify that the address for fee purposes in the USPTO database was "PILLSBURY WINTHROP SHAW PITTMEN, LLP" (copy enclosed).

In Mr. Knight's letter he refers to the copy of an e-mail message from Karyn F. Massic (sic, Massie, copy enclosed). That e-mail message dealt with a subsequent patent application (6,743,821 "GLYCEROL-LACTATE ESTERS FOR USE AS AND ENERGY SUPPLEMENT DURING EXERCISE") (copy enclosed). In an attempt to secure that patent, I spent large sums of money with them, only to be regularly be reassigned to yet another junior partner. Yes, I got frustrated, dismissed them from application 10158584, and hired another attorney who marched the application right through.

In Mr. Knight's letter he asserts that the message is not specific with regard to USP 5,420,107. With all due respect, it is clear that the message is specific about USP 5,420,107 that was unmentioned. The message was specifically about Application Number 10158584 that was to become USP 6,743,821. In the message there was no mention of USP 5,420,107 and the USPTO database continued to show PILLSBURY WINTHROP SHAW PITTMEN, LLP as the contact address.

2) The second question asks about evidence showing that the present patent (5,420,107 assumed) was entered into a tracking system for paying fees. The answer is there is no evidence because the contact address was not changed, neither by me nor by Pillsbury Winthrop Shaw Pittman, LLP. With all due respect, I cannot provide evidence for something that did not occur. For this, I rely on the USPTO database.

Mr. Congo, as an average citizen I reiterate an earlier plea. The fact that Patent 5,420,107 was issued to me is a source of pride. As well, I do earn a modicum of royalties from its use by CytoSport, Inc. that uses my invention in CytoMax. In no sense did I decide to "abandon" the patent on my invention. It is regrettable that I had a dispute with a large and powerful law firm whose response was to abandon me. For that reason, I seek protection from you and your colleagues in the USPTO.

Mr. Congo, I know that our phone conversation was difficult because of background noise, but I understood you to say that my statements would be considered. To reiterate, my statements have been and remain complete and truthful.

In closing, I thank you for your efforts in this matter

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Brooks', with a stylized, cursive script.

George A. Brooks, Ph.D.

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Patent Bibliographic Data				07/16/2010 01:23 PM	
Patent Number:	5420107	Application Number:	08279829		
Issue Date:	05/30/1995	Filing Date:	07/25/1994		
Title:	METHOD AND COMPOSITION FOR ENERGY SOURCE SUPPLEMENTATION DURING EXERCISE				
Status:	Expired for non-payment on: 05/30/2007			Entity:	Small
Window Opens:	05/30/2006	Surcharge Date:	12/01/2006	Expiration:	05/30/2007
Fee Amt Due:	\$0.00	Surchg Amt Due:	\$0.00	Total Amt Due:	\$0.00
Fee Code:					
Surcharge Fee Code:					
Most recent events (up to 7):	05/30/2007 Patent Expired for Failure to Pay Maintenance Fees. 12/13/2006 Maintenance Fee Reminder Mailed. 10/28/2002 Payor Number Assigned. 10/18/2002 Payment of Maintenance Fee, 8th Yr, Small Entity. 02/11/1999 Payment of Maintenance Fee, 4th Yr, Small Entity. 02/11/1999 Surcharge for late Payment, Small Entity. 12/22/1998 Maintenance Fee Reminder Mailed. — End of Maintenance History —				
Address for fee purposes:	PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102				
NOTE: All USPTO fees are subject to change. If you are making a payment by mail or fax, please visit this link or contact the Maintenance Fee Branch (571-272-6500) to confirm the amount due on the date payment is to be made. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.					
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Massie, Karyn F.

From: Massie, Karyn F.
Sent: Friday, May 30, 2003 9:18 AM
To: 'gbrooks@socrates.Berkeley.EDU'; Wetherell, John R.
Cc: Bedgood, Robert M.; 'robert bedgood'
Subject: Filing Deadline of June 10, 2003

Dear Dr. Brooks:

Further to our conversation of May 20, 2003, I am confirming your instructions that you do not want us to continue prosecuting the "Glycerol-lactate esters for use as an energy supplement during exercise and recovery" patent application with serial number 10/158,584 on your behalf. During our conversation you indicated written instructions advising us not to proceed were in draft format and would be arriving shortly. I have not received correspondence from you regarding the response due on **June 10, 2003**. Please be advised, **without your specific instructions to continue prosecuting this matter including responding to the June 10, 2003 deadline, we will NOT prepare a response.** The June 10, 2003 is the final date for responding. There are no extensions of time beyond that date. Without your response submitted by that date, the application will go abandoned.

If you have any questions regarding this matter please do not hesitate to contact me.

Karyn F. Massie
Pillsbury Winthrop
11682 El Camino Real, Suite 200
San Diego, CA 92130-1593
Direct Line: (858)509-4018
kmassie@pillsburywinthrop.com

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Patent Bibliographic Data				07/16/2010 11:47 AM	
Patent Number:	6743821		Application Number:	10158584	
Issue Date:	06/01/2004		Filing Date:	05/30/2002	
Title:	GLYCEROL-LACTATE ESTERS FOR USE AS AN ENERGY SUPPLEMENT DURING EXERCIS				
Status:	8th year fee window opens: 06/01/2011			Entity:	Small
Window Opens:	06/01/2011	Surcharge Date:	12/02/2011	Expiration:	N/A
Fee Amt Due:	Window not open	Surchg Amt Due:	Window not open	Total Amt Due:	Window not open
Fee Code:	2552	MAINTENANCE FEE DUE AT 7.5 YEARS			
Surcharge Fee Code:					
Most recent events (up to 7):	07/24/2007	Payment of Maintenance Fee, 4th Yr, Small Entity. --- End of Maintenance History ---			
Address for fee purposes:	GEORGE A. BROOKS 1415 RICHMOND STREET EL CERRITO, CA 94530				
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